

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Ty O. Ahmad-Taylor

Serial No.: 10/825,926

Filed: April 15, 2004

Group Art Unit: 2623

Examiner: Fred H. Peng

For: METHOD AND SYSTEM FOR PROVIDING AN ELECTRONIC
PROGRAMMING GUIDE

Attorney Docket No.: CCCI 0130 PUS

PRE-APPEAL BRIEF

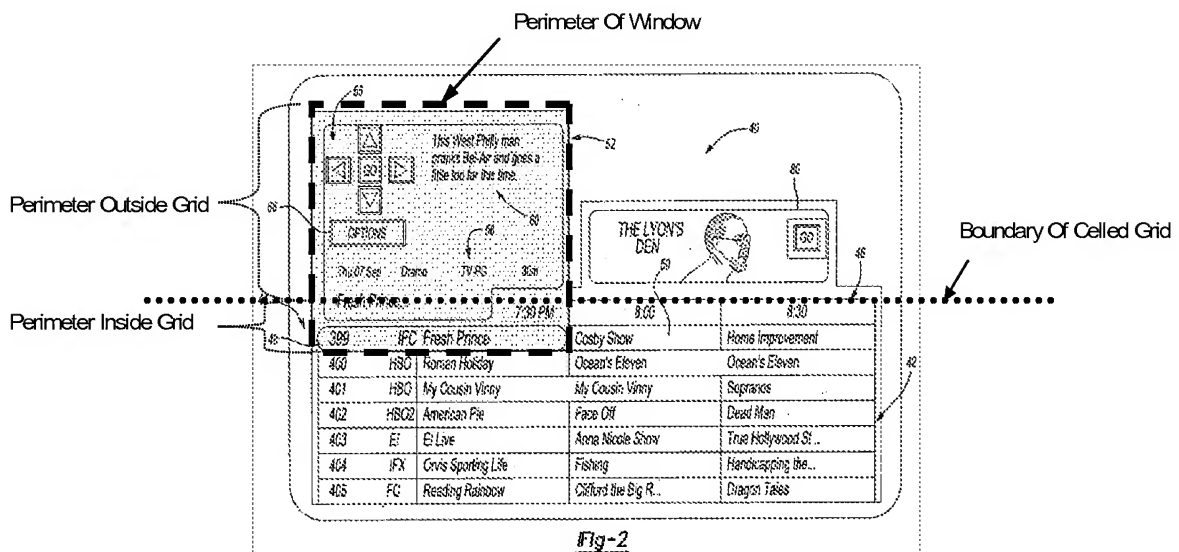
Mail Stop AF
Commissioner for Patents
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant respectfully requests a Pre-Appeal Brief conference to address what are believed to be clearly erroneous rejections to independent claim 41. Independent claim 41 stands rejected under 35 U.S.C. § 102(b) as being anticipated by USPN 6,177,931 to Alexander. The remarks set forth below are limited to claim 41 in order to limit the issues presented in the Pre-Appeal Brief request. This is done without prejudice and without conceding the other rejections set forth by the Examiner.

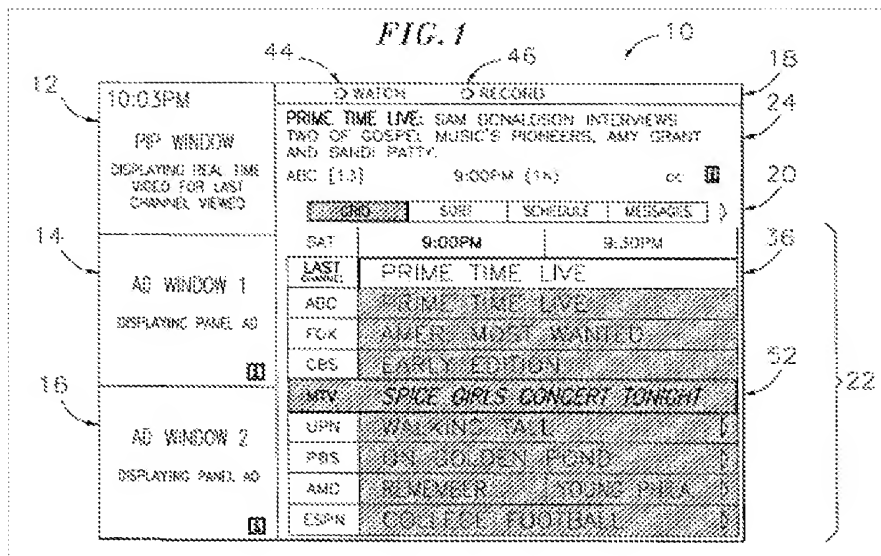
Independent claim 41 relates to an electronic programming guide (EPG) having a celled grid and a window that extends within a portion of the celled grid. The window is claimed to have a perimeter where a portion of the perimeter is outside the grid and another portion of the perimeter extends into a limited portion of the celled grid. Figure 2 of the instant application presented below illustrates an example of the window with reference numeral 52 and the extension of the window into a portion of the celled grid 42. The end of the leader line used

with reference numeral 52 extends proximate a solid line that extends around a shaded area represented with a number of dots. This line forms the perimeter that defines the window 52. The illustration provided below includes additional references to the perimeter of the window and the portions of the perimeter that are inside and outside of the celled grid as defined by a boundary of the celled grid.



The claimed window includes a boundary that extends inside and outside of a celled grid. The Alexander patent fails to disclose the claimed window as required to anticipate independent claim 41 under 35 U.S.C. § 102(b).

Figure 1 of the Alexander patent is reproduced below.



As shown, none of the windows 12, 14, 16, 18 include a perimeter that extends within a celled grid portion 52. In order to properly anticipate independent claim 41, the Alexander patent must disclose a window having a boundary that extends into and out of the celled portion 52. This would require at least some line defining a portion of a window to traverse a boundary of the celled grid 52. No such line is shown in Figure 1 or disclosed within the Alexander patent.

The Examiner has made a clearly erroneous rejection against independent claim 41 since the cited reference clearly fails to disclose each feature recited in independent claim 41. Applicant respectfully requests reconsideration of this clearly erroneous rejection prior to passing this application to the Appeals Board for further consideration.

Respectfully submitted,

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